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tions materially burdens such commerce is invalid. And as to any producing function of such Federal Corporation, the states could admit or exclude or attach conditions the same as in the case of any State Corporation not engaged in interstate commerce.

As to suits against such Federal Corporation Congress could provide that only the Federal Courts should have jurisdiction, even with reference to any producing function conferred upon such corporation.

The last chapter is a valuable one as to the meaning of "Commerce among the States."

The author finds many points upon which the Supreme Court has not yet passed, but upon nearly every one something has been said, or some pretty definite analogy is to be found in some one of the more than two hundred cases,—nearly all from the United States Supreme Court—reviewed or referred to. And although, perhaps, many will not fully agree with all of his conclusions, yet all will find here a thoroughly excellent working out of the important questions that would arise from Federal incorporation of trading corporations. The book deals only with legal questions, and not at all with the economic or political problems such a policy raises. H. L. W.

COMMENTARIES ON THE LAW OF MASTER AND SERVANT. By C. B. Labatt, B.A. (Cantab) M.A. (Toronto), of the Bar of San Francisco, Cal. Second Edition. The Lawyer's Co-operative Publishing Co., Rochester, New York, 1913. 8 Vols. pp. ccv, 10090.

From BLACKSTONE's chapter of 11 small pages written 150 years ago, summing up the results of 700 years' growth of the English law of Master and Servant, to this monumental work, is a long period, if measured in the pages needed to treat this topic. At the same rate, 63 years to the page, we have in the last 150 years, traveled 63000 years beyond BLACKSTONE, or, in other words, we are 90 times as far away from his time, as he was from the Norman Conquest. He wrote at the very beginning of the modern industrial system, before the steam engine, the factory system, the railroad, or the development of the modern sciences underlying our application of machinery to industry. When he wrote, Master and Servant was for the most part one of the Domestic Relations, as he treated it, and had been so for thousands of years; but now it has become a contract relation extending to every situation in which one person undertakes to work for another under or subject to the latter's control, and these volumes forcibly call attention to the almost infinite complexity of our modern industrial life.

This work treats this relation in almost every conceivable detail except "the hiring of seamen and persons in public employments." There are eight volumes, 126 chapters, 10090 pages, with many additional ones as 8944, 8944a to 8944yy, including such as 8944kk-1 to 18. There are also 2793 sections with many numbers duplicated by a, b, &c. The table of contents contains 205 pages; the table of cases 718 pages, and the index 445. Every facility is therefore employed to make the material available. It is evident that

no reviewer can do anything more with such a work than to indicate in a very general way what topics are included, and state the results of a few tests as to the quality of the work.

Volume I, treats of the "Relation and Contract"; Volume II, "Wages and Hours of Labor"; Volumes III, IV, and part of V, of "Employers' Liability"; Volume V also includes "Statutes and Contracts," "Compensation Acts," "Blacklisting," "Rights in Products of Service"; Volume VI, covers "Apprentices," and part of "Master's Liability for Servant's Torts"; Volume VII, finishes "Master's Liability for Servant's Torts," and treats of "Enticement," "Interference with Service," "Labor Unions," "Strikes," "Boycotts," "Arbitration," and "Union Labels," while Volume VIII, treats of the "Constitutionality of Enactments."

The first installment of this work was published in two volumes in 1904, and it was then thought that one more volume would suffice to complete the work; that one volume has expanded into six volumes, and the first two volumes have been brought down to date, as a second edition,—the cases of the last two or three years being inserted by Mr. Walter M. GLASS. The chapters relating to "Wrongful Interference with the Contract by Third Persons," is the work of Mr. Charles C. MOORE, while those upon "Trades Unions" and "Strikes," are by Mr. E. S. OAKES, and those on "Criminal Liability of a Servant," and on "Criminal Liability of a Master for the Acts of a Servant," and on "Contracts of Servants," are the work of Mr. C. H. SPURR. These are all members of the Editorial Staff of the Lawyers Co-operative Publishing Company. Substantially all the remainder of the work is by Mr. LABATT, and has involved a prodigious amount of labor,—perhaps beyond the capacity of any individual without having at his command the labor saving aids of a great publishing house.

Mr. LABATT's ideal, as he states it, was to compile a treatise so "as to serve the purpose of a code, a critical and expository commentary, a digest of facts, and a collection of leading cases." He undertakes, with great clearness and success, to "show not merely what the courts have decided concerning certain states of fact, but also the principles to which their decisions have been referred, and the reasoning upon which their conclusions have been based." For this reason copious extracts from the opinions of the judges are given and justified.

It was the author's aim in the first two volumes (first edition) "to cite every decision which has been rendered by a court of review in any of the countries in which the common law is the prevailing system of jurisprudence, and the materials collected represent the result of an exhaustive examination of all the reports, whether official, semiofficial, or nonofficial which have been published in England, Scotland, Ireland, the United States, Canada, Australia and New Zealand."

This same thoroughness seems to characterize the later volumes. The dates of the cases cited are given, in order that the development of the rule in any jurisdiction may be readily traced, and in many notes the development in each state is indicated by the decisions from such state being grouped together.

When the first two volumes were prepared the author ventured to call attention to and criticise the unreasonable extent to which the doctrines of "assumed risk," and "fellow servant" had been pushed, and the unsubstantial foundations upon which they are based. In this edition he is able to see the progress made in legislation in abolishing or modifying such doctrines, and perhaps in some degree as the fruit of his labors and criticism.

From any test the present writer has been able to apply to the work, and in whatever place he has examined it, or upon whatever topic fairly within the province of the work, he has found it unexcelled, exhaustive, luminous and learned. It is preeminently valuable for the practitioner, and will undoubtedly remain for a long time, the unrivalled authority upon the subject.

H. L. W.

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SELECTED CASES ON THE LAW OF CONTRACTS, by Ernest W. Huffcutt, late Dean of the Cornell University College of Law, and Edwin H. Woodruff, Professor in the Cornell University College of Law. Third Edition, revised and enlarged by Edwin H. Woodruff. Banks & Company, Albany, N. Y. 1913. pp. xvii, 774.

The third edition of HUFFCUTT & WOODRUFF'S selected cases in contract law, is in many respects, an improvement on the earlier editions, which at the time they were published left little to be desired. They have been generally used for several years by those engaged in educational work and the present edition will be received with favor. Professor WOODRUFF has added some new features of great value to the teacher and the student.

In addition to including the more recent cases, he has given to his reference notes great value in that he refers the student, under most cases, to the *Cyclopedia of Law and Procedure*; to subject notes in the *Lawyers' Reports Annotated*; to leading articles in various legal periodicals, in which the doctrine of the principal case is discussed or involved. The thoughtfulness of the editor in giving this helpful aid to the student can not be too highly commended. We regret, however, that Professor WOODRUFF acquiesces in the idea of a few educators that contractual capacity should be discussed under the law of Persons. Personal responsibility depends generally upon the subject as well as on the person. In dealing with persons the law presumes capacity to contract. The contrary must be made to appear. We have criminal responsibility, testamentary capacity and contractual capacity, and if we are to discuss criminal responsibility in the law of crimes why not discuss contractual capacity in the law of contracts? It is necessarily involved in the law of the subject and has very little relation to other questions of legal responsibility.

The work of the publishers is well done. The paper and the type are good and the pages of the book please the eye.

J. C. K.